



CONNOLLY BOVE LODGE & HUTZ LLP

ATTORNEYS AT LAW

WILMINGTON, DE

The Nemours Building
1007 North Orange St.
P.O. Box 2207
Wilmington, DE 19899
TEL: (302) 658 9141
FAX: (302) 658 5614
WEB: www.cblh.com

Rudolf E. Hutz

Partner

TEL (302) 888-6266

FAX (302) 658 9072

EMAIL rhutz@cblh.com

REPLY TO Wilmington Office

April 2, 2008

By Electronic Filing

Chief Judge Gregory M. Sleet
U. S. District Court for the District of Delaware
844 North King Street
Wilmington, DE 19801

**Re: Rohm and Haas Electronic Materials v. Honeywell International Inc.,
Case 1:06-cv-00297-GMS**

Dear Chief Judge Sleet:

We represent Rohm and Haas Electronic Materials in the above-referenced case. Previously we wrote to inform the Court that the United States Patent and Trademark Office (USPTO) had issued a Notice of Intent to Issue Ex Parte Reexamination Certificate (NIRC) that confirmed patentability of all claims (1-31) and closed prosecution in the reexamination of one of the patents in suit, U.S. Patent No. 6,472,128 (the '128 patent).

Recently, the USPTO reopened prosecution to issue a Supplemental NIRC for the '128 patent reexamination. A copy of the Supplemental NIRC is enclosed.

The Supplemental NIRC corrects an error in claim 25. As before, the patentability of all claims (1-31) has been confirmed. Prosecution on the merits is now closed.

If the Court has any questions, please do not hesitate to contact me.

Respectfully,

/s/ Rudolf E. Hutz
Connolly Bove Lodge & Hutz LLP

Enclosures

cc: James D. Taylor, Jr. (by email)
Constance Huttner (by email)

Exhibit A



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
90/008,359	12/04/2006	6472128		8757

53884 7590 03/24/2008

ROHM AND HAAS ELECTRONIC MATERIALS LLC
455 FOREST STREET
MARLBOROUGH, MA 01752

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 03/24/2008

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DO NOT USE IN PALM PRINTER

(THIRD PARTY REQUESTER'S CORRESPONDENCE ADDRESS)

CONSTANCE S. HUTTNER

SKADDEN ARPS SLATE MEAGHER & FLOM LLP

FOUR TIMES SQUARE

NEW YORK, NY 10036

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/008,359.

PATENT NO. 6472128.

ART UNIT 3991.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

REEXAMINATION

REASONS FOR PATENTABILITY / CONFIRMATION

Reexamination Control No. 90/008,359

Attachment to Paper No. 20080314.

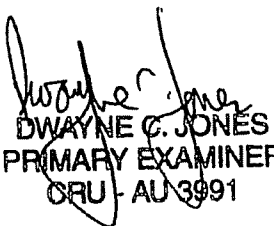
Art Unit 3991.

PTOL-476
(Rev. 03-98)


(Examiner's Signature)

PTOL-476 (Rev. 03-98)

STEPHEN J. STEIN
PRIMARY EXAMINER
CRU - AU 3991


DWAYNE C. JONES
PRIMARY EXAMINER
CRU - AU 3991


DEBORAH D. JONES
CRU SPE-AU 3991

PTOL-476
(Rev. 03-98)

PTOL-476
(Rev. 03-98)

**★ Supplemental Notice of Intent to Issue
Ex Parte Reexamination Certificate**

Control No.

90/008,359

Patent Under Reexamination

6472128

Examiner

STEPHEN J. STEIN

Art Unit

3991


– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –


1. ☒ Prosecution on the merits is (or remains) closed in this *ex parte* reexamination proceeding. This proceeding is subject to reopening at the initiative of the Office or upon petition. Cf. 37 CFR 1.313(a). A Certificate will be issued in view of
 - (a) ☒ Patent owner's communication(s) filed: 28 November 2007.
 - (b) ☐ Patent owner's late response filed: _____.
 - (c) ☐ Patent owner's failure to file an appropriate response to the Office action mailed: _____.
 - (d) ☐ Patent owner's failure to timely file an Appeal Brief (37 CFR 41.31).
 - (e) ☐ Other: _____.


Status of *Ex Parte* Reexamination:

 - (f) Change in the Specification: ☐ Yes ☒ No
 - (g) Change in the Drawing(s): ☐ Yes ☒ No
 - (h) Status of the Claim(s):
 - (1) Patent claim(s) confirmed: _____.
 - (2) Patent claim(s) amended (including dependent on amended claim(s)): 1-16
 - (3) Patent claim(s) cancelled: _____.
 - (4) Newly presented claim(s) patentable: 17-31.
 - (5) Newly presented cancelled claims: _____.
2. ☒ Note the attached statement of reasons for patentability and/or confirmation. Any comments considered necessary by patent owner regarding reasons for patentability and/or confirmation must be submitted promptly to avoid processing delays. Such submission(s) should be labeled: "Comments On Statement of Reasons for Patentability and/or Confirmation."
3. ☐ Note attached NOTICE OF REFERENCES CITED (PTO-892).
4. ☐ Note attached LIST OF REFERENCES CITED (PTO/SB/08).
5. ☐ The drawing correction request filed on _____ is: ☐ approved ☐ disapproved.
6. ☐ Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the certified copies have
 - ☐ been received.
 - ☐ not been received.
 - ☐ been filed in Application No. _____.
 - ☐ been filed in reexamination Control No. _____.
 - ☐ been received by the International Bureau in PCT Application No. _____.

* Certified copies not received: _____.
7. ☐ Note attached Examiner's Amendment.
8. ☐ Note attached Interview Summary (PTO-474).
9. ☐ Other: _____.


 DWAYNE C. JONES
 PRIMARY EXAMINER
 CRU - AU 3991


 DEBORAH D. JONES
 CRU SPE-AU 3991


 Stephen J. Stein
 Primary Examiner
 Art Unit: 3991

cc: Requester (if third party requester)

U.S. Patent and Trademark Office
 PTOL-469 (Rev.08-06)

Notice of Intent to Issue Ex Parte Reexamination Certificate

Part of Paper No 20080314

Application/Control Number: 90/008,359
Art Unit: 3991

Page 2

SUPPLEMENTAL

NOTICE OF INTENT TO ISSUE EX-PARTE REEXAMINATION CERTIFICATE

(Supplemental NIRC)

1. This is a Supplemental Notice of Intent to an Issue Ex parte Reexamination Certificate (NIRC) in the Reexamination proceeding of U.S. 6,472,128. In particular, an Examiner's amendment has been made to correct a typographical error in the claims submitted November 28, 2007 in which newly added claim 25 was dependent upon itself. The claim has been corrected by Examiner's amendment to now recite that the claim 25 is dependent on independent claim 24.

Examiner's Amendment

IN THE CLAIMS

(New) 25. The method of claim 24 wherein the antihilation composition is crosslinked prior to applying the photoresist composition over the antihilation layer.

Confirmation/Allowance of Claims

2. Amended claims 1-16 and newly presented claims 17-31 are allowed over the prior art of record for the reasons already of record in the last Office Action.

NOTICE RE PATENT OWNER'S CORRESPONDENCE ADDRESS

3. Effective May 16, 2007, 37 CFR 1.33(c) has been revised to provide that:

The patent owner's correspondence address for all communications in an *ex parte* reexamination or an *inter partes* reexamination is designated as the correspondence address of the patent.

Application/Control Number: 90/008,359

Page 3

Art Unit: 3991

Revisions and Technical Corrections Affecting Requirements for Ex Parte and Inter Partes Reexamination, 72 FR 18892 (April 16, 2007)(Final Rule)

The correspondence address for any pending reexamination proceeding not having the same correspondence address as that of the patent is, by way of this revision to 37 CFR 1.33(c), automatically changed to that of the patent file as of the effective date.

This change is effective for any reexamination proceeding which is pending before the Office as of May 16, 2007, including the present reexamination proceeding, and to any reexamination proceeding which is filed after that date.

Parties are to take this change into account when filing papers, and direct communications accordingly.

In the event the patent owner's correspondence address listed in the papers (record) for the present proceeding is different from the correspondence address of the patent, it is strongly encouraged that the patent owner affirmatively file a Notification of Change of Correspondence Address in the reexamination proceeding and/or the patent (depending on which address patent owner desires), to conform the address of the proceeding with that of the patent and to clarify the record as to which address should be used for correspondence.

Telephone Numbers for reexamination inquiries:

Reexamination and Amendment Practice	(571) 272-7703
Central Reexam Unit (CRU)	(571) 272-7705
Reexamination Facsimile Transmission No.	(571) 273-9900

Future Correspondence

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Stein whose telephone number is 571-272-1544. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m. If the attempts to reach the examiner are unsuccessful, the examiner's supervisor, Deborah Jones can be reached by dialing 571-272-1535. The official fax number for the organization where this application is assigned is 571-273-9900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Correspondence relating to this *ex parte* reexamination proceeding should be directed as follows:

Application/Control Number: 90/008,359
Art Unit: 3991

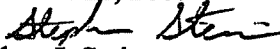
Page 4


By U.S. Postal Service Mail to:
Mail Stop *Ex Parte* Reexam
ATTN: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

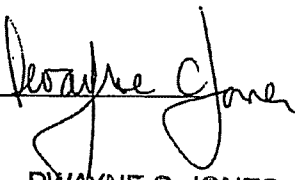
By FAX to: (571) 273-9900
Central Reexamination Unit

By hand to: Customer Service Window
Randolph Building
401 Dulany St.
Alexandria, VA 22314

November 28, 2007


Stephen J. Stein
Art Unit 3991

Conferee 
DEBORAH D. JONES
CRU SPE-AU 3991

Conferee 
DWAYNE C. JONES
PRIMARY EXAMINER
CRU - AU 3991